

HOUSE JOINT RESOLUTION 88
By DeBerry J

A RESOLUTION to request the Department of Commerce and Insurance to provide information to the General Assembly on the amount and type of legal authorization needed to examine insurance companies organized as risk retention groups that have ceded all their assets and liabilities to out-of-state re-insurance companies and to report its findings, other than items that are confidential, to the General Assembly.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED THIRD GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That the Department of Commerce and Insurance is requested to report to the General Assembly concerning the legal authorization needed by the Department to examine the number of insurance companies in Tennessee organized as risk retention groups that write legal, medical, and other professional malpractice insurance, affiliates of the parent of the insurance company providing malpractice insurance, or affiliates of the insurance company providing malpractice insurance which have ceded all of their assets and liabilities to out-of-state insurance companies over which the Department of Commerce and Insurance has no regulatory authority that re-insure other companies writing malpractice insurance.

HJR0088

00301656

BE IT FURTHER RESOLVED, That the Department of Commerce and Insurance be requested to poll practicing attorneys, medical practitioners, and other professionals in Tennessee that obtain malpractice insurance, as well as health care facilities, to ask if they would voluntarily disclose to the Commissioner of Commerce and Insurance the names of those companies providing their malpractice insurance.

BE IT FURTHER RESOLVED, That when the number and identity of such companies can be determined and the proportion of the medical, legal, and other professionals practicing in Tennessee that may be at risk because of having malpractice insurance from such risk-retention entities over which the State has no regulatory authority, this General Assembly then initiate, by subsequent resolution, a study of means and methods of eliminating the risk to practitioners requiring professional malpractice insurance.

BE IT FURTHER RESOLVED, That the Department furnish the General Assembly with a recommendation concerning the proper composition of a study committee or task force best able to conduct such an inquiry.

BE IT FURTHER RESOLVED, That the Department of Commerce and Insurance reports its findings and recommendations to the General Assembly no later than April 15, 2003, so that a study resolution can be prepared to address this issue.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Commissioner of the Department of Commerce and Insurance with this final clause omitted from such copy.